



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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November 18, 2021

To:

Hon. Daniel G. Wood
Circuit Court Judge
Adams County Courthouse
402 Main St.
Friendship, WI 53934

Lori Banovec
Clerk of Circuit Court
Adams County Courthouse
P.O. Box 220
Friendship, WI 53934-0220

Sarah Jeanette Horner
Boardman & Clark
1 S. Pinckney St., Ste. 410
Madison, WI 53703

Estate of Opal Straub
Gary Harrop, Special Administrator
222 W. Commercial St.
Mazomanie, WI 53560

Preston Straub
7318-2 Winthrop Way
Downers Grove, IL 60516

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2020AP1860

Lake Arrowhead Assoc. v. Estate of Opal Straub L.C.#2019SC148

The court having considered the motion of defendant-appellant, Preston Straub, for reconsideration of this court's September 30, 2021 order dismissing his petition for review as untimely, and the court noting that under Wis. Stat. § 808.10(1) a petition for review must be filed in the supreme court within 30 days of the date of the decision of the court of appeals to retain the court's subject matter jurisdiction (see First Wis. Nat'l Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979));

IT IS ORDERED that the motion is denied pursuant to Gunderson v. State, 106 Wis. 2d 611, 318 N.W.2d 779 (1982):

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As we have indicated, the filing of a petition [for review] does not occur upon its mailing. ... [A] petitioner remains solely responsible for assuring that the petition is physically received and filed by the clerk in timely fashion in order to vest jurisdiction; the risk of potential vagaries in mail delivery ... must be assumed if that method of transmittal is chosen.

Sheila T. Reiff
Clerk of Supreme Court